

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

| | | |
|-------------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | § | |
| Plaintiff | § | |
| v. | § | CIVIL ACTION NO. _____ |
| | § | |
| \$54,063.00 in U.S. CURRENCY, | § | |
| Defendant | § | |

COMPLAINT FOR FORFEITURE IN REM

The United States of America files this action for forfeiture and alleges upon information and belief:

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 21 U.S.C. § 881(a)(6).

Defendant Property

2. The Defendant is \$54,063.00 in United States currency (the “Defendant \$54,063.00”).

3. Law enforcement seized the Defendant \$54,063.00 in Mission, Texas on or about October 8, 2013. The Defendant \$54,063.00 is currently on deposit in the Treasury Forfeiture Fund Suspense Account.

Jurisdiction and Venue

4. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1355.

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355(b)(1), 1391(b), and 1395.

Statutory Basis for Forfeiture

6. The Defendant \$54,063.00 is subject to forfeiture under 21 U.S.C. § 881(a)(6), which provides for the forfeiture of all moneys furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act (21 U.S.C. § 801, *et seq.*), all proceeds traceable to such an exchange, and all moneys used or intended to be used to facilitate any violation of the Controlled Substances Act.

Factual Basis

7. On or about October 8, 2013, Border Patrol agents observed Bernardo Garcia-Chavez (“Garcia-Chavez”) leaving a house in Mission, Texas. The agents approached Garcia-Chavez, who was illegally present in the United States, and identified themselves as Border Patrol agents. Garcia-Chavez showed the agents his Mexican driver’s license and indicated that he did not have any documents that would allow him to be in, enter, or remain in the United States legally.

8. Garcia-Chavez told the agents that the house he was leaving was his house where his wife and children were living, and he gave consent to search the house. Garcia-Chavez also told the agents that the only thing he had hidden was approximately \$50,000 inside a vacuum cleaner in the garage.

9. During a search of the house, the agents found \$52,000.00 hidden inside a vacuum cleaner in the garage.

10. Consistent with proceeds of drug trafficking activities, the cash that was found in the vacuum cleaner was bundled in multi-colored rubber-bands and in the following denominations:

| | | | | |
|---------|---|-------|---|-------------|
| • \$100 | x | 275 | = | \$27,500.00 |
| • \$50 | x | 20 | = | \$1,000.00 |
| • \$20 | x | 1,175 | = | \$23,500.00 |

11. A canine searched the entire house, including the garage, and alerted to the vacuum cleaner where the \$52,000 was found.

12. Garcia-Chavez also had \$2,063.00 in his possession, which he indicated had been taken out of the vacuum cleaner. The \$2,063.00 was in the following denominations:

| | | | | |
|--------|---|-----|---|------------|
| • \$20 | x | 103 | = | \$2,060.00 |
| • \$2 | x | 1 | = | \$2 |
| • \$1 | x | 1 | = | \$1 |

13. The Defendant \$54,063.00 was furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act, is proceeds traceable to such an exchange, or was used or intended to be used to facilitate any violation of the Controlled Substances Act.

Notice to Any Potential Claimants

YOU ARE HEREBY NOTIFIED that if you assert an interest in Defendant Property which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. A verified claim must be filed no later than thirty-five (35) days from the date this Complaint has been sent. An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days

after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas at United States Courthouse, Bentsen Tower, 1701 W. Highway 83, Suite 1011, McAllen, Texas 78501, and a copy must be served upon the undersigned Assistant United States Attorney at United States Attorney's Office, 1000 Louisiana, Suite 2300, Houston, Texas 77002.

Requested Relief

Wherefore, the United States of America prays that a judgment of forfeiture be entered against the Defendant \$54,063.00 and in favor of the United States of America under 21 U.S.C. § 881(a)(6) in addition to such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,

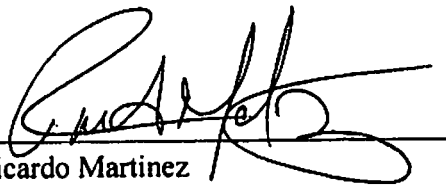
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Verification

I, Ricardo Martinez, a Border Patrol Agent with Customs and Border Protection, hereby verify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the facts set forth in the foregoing Complaint For Forfeiture In Rem are true and correct to the best of my knowledge and belief.

Executed on August 8, 2014.


Ricardo Martinez
Border Patrol Agent
U.S. Customs and Border Protection